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Attorney's Docket No. 035718/237005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Abad *et al.*  
Appl. No.: 10/032,717  
Filed: 10/23/01  
For: GENES ENCODING NOVEL PROTEINS WITH PESTICIDAL ACTIVITY  
AGAINST COLEOPTERANS

Group Art Unit: 1645

Commissioner for Patents  
Washington, DC 20231

**PRELIMINARY AMENDMENT**  
**37 CFR § 1.115**

RECEIVED

JUN 21 2002

Dear Sir:

TECH CENTER 1600/2900

Please amend the above-identified application as follows:

In The Specification:

Please revise the first full paragraph beginning on line 6, page 12, to read as follows:

AID  
The present invention provides isolated nucleic acids comprising nucleotide sequences which encode the amino acid sequences set forth in SEQ ID NOS: 2, 4, 6, 8, 10, 12, 16, 18, 20, 22, 24, 30, 32, 34, 40, 42, 44, and 46. In particular embodiments, the invention provides nucleic acids comprising the nucleotide sequences set forth in SEQ ID NOS:1(*Cry1218-1* CDS) and 3 (*Cry1218-2* CDS), the maize-optimized nucleic acid set forth in SEQ ID NO:9 (mo1218-1), and the native genomic sequences set forth in SEQ ID NO:27 (genomic *Cry1218-1*) and SEQ ID NO:28 (genomic *Cry 1218-2*). The coding sequence (CDS) for SEQ ID NO: 27 runs from base pair 731-4348. The CDS for SEQ ID NO: 28 runs from base pair 1254-4883. Plasmids comprising each of these five nucleic acids were deposited on May 5, 2000 and October 20, 2000 with the Patent Depository of the American Type Culture Collection (ATCC), Manassas, Virginia, and assigned Patent Deposit Nos. PTA-1821 (corresponding to SEQ ID NO:1); PTA-